

Exhibit C

Miller, Britt M.

From: Wedgworth, Peggy [pwedgworth@milberg.com]
Sent: Monday, July 02, 2018 3:14 PM
To: Miller, Britt M.; 'agulley@gibbsbruns.com' (agulley@gibbsbruns.com); Provance, Matthew D.
Cc: McKenna, Elizabeth; Hughes, John
Subject: DMS - Breifing page limitations

Dear Britt and Andy,

I want to clarify my position and original offer. I have agreed to a total briefing page limit of 105 pages (40 pages for each defendant and an additional 25 pages for Reynolds regarding arbitration), but I have not agreed to any additional legal arguments attached to the briefs in the form of exhibits, appendices, and/or other documents. And to address your misconception, I have never said that exhibits or appendices are not allowed, but simply that page limits are inclusive of appendices, exhibits and/or other documents as I am concerned that legal arguments or legal citations will appear in those documents.

I am willing to agree to this generous page count as I am aware that additional briefing may be needed with regard to repealer state statutes. If you will provide additional detail as to what you and Reynolds intend to include as appendices or exhibits, then we will consider it. For example, a chart that cites no caselaw but merely reproduces a statute may be acceptable. However, if any appendix, chart, graph, and/or other work product attached to the briefs contains case citations, then it encompasses legal analysis that should either be in the brief or included in the agreed-upon page count.

Your email earlier today states that you will not include "additional narrative argument as an exhibit" but I am unclear as to what this means, and do not recall specifically your reference to our earlier conversation. Again, an example of what you mean by this would be helpful.

In the spirit of compromise, I am willing to discuss what attachments may be included now so that we can all have clarity of the final agreement.

Best Regards,

Peggy J. Wedgworth
Partner

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